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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER TRAN, TUYETLIEN T	
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/684,580

Applicant(s)

FITZMAURICE, GEORGE  
WILLIAM

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/5/07</u> . | 6) <input type="checkbox"/> Other: _____  |

#### **DETAILED ACTION**

1. This action is responsive to the following communication: Amendment filed 2/5/07. **This action is made final.**
2. Claims 1-52 are pending in the case. Claims 1, 25, 28, 31, 32, 44-52 are independent claims. Claims 1, 25, 28, 31 and 44-49 are the amended claims. Claims 50-52 are new claims.

#### ***Specification***

3. Applicant's amendment corrects the previous objection and therefore the objection is dropped.

#### ***Claim Objections***

4. Claim 45 is objected to because of the following informalities: it is believed that there is a typographical error in line second of the claim; the term "the mobile control a menu containing" should be changed to "the mobile control having a menu containing". Appropriate correction is required.

Claim 52 is objected to because of the typographical error in line 4 of the claim: it is suggested that the limitation "having a edge" is changed to "having an edge". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 45 recites the limitation "the selectable objects" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 50-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 50-52, a "graphical user interface" is being recited; however, it appears that the interface would reasonably be interpreted by one of ordinary skill in the art as software, per se. An interface with no physical and tangible computer structure is computer software by itself.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 32-33 and 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Strauss (Patent No. US 6,246,411 B1, hereinafter simply referred to as Strauss).

**As to claim 32**, Strauss discloses:

A method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising:

allowing a user to move a tracking symbol (the cursor 4) on a display (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B); and

moving a tracking menu (i.e., see Fig. 7) in correspondence to the symbol (the cursor 4) when the symbol encounters an edge of the menu (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67; note that the "follow me" zone boundary 42 is interpreted as the edge of the menu).

**As to claim 50**, Strauss teaches:

A graphical user interface (e.g., drag toolbar enable application, see Fig. 1A), comprising:

a tracking symbol positioned corresponding to an input transducer movable by a user (e.g., the cursor 4 as shown in Fig. 7; note that an input transducer can be a pointing device such as a mouse, light pen, or stylus on a touch-sensitive display screen, see col. 1, lines 18-20);

a mobile tracking region having a region boundary enclosing the tracking symbol ("follow me" zone 42 as shown in Fig. 7) with the tracking symbol being movable within the boundary when not dragging\_with the region (i.e., when the cursor 4 is within the bounds of the "follow me" zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67; note that the limitation when not dragging\_with the region is interpreted as when the region is not moving with the cursor) moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the "follow me" zone boundary

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42, the drag toolbar 40 follows the cursor across the user's display), and the region having controls activatable when the tracking symbol corresponds to the controls (e.g., note that a user can change the functionality of the cursor when select a menu button on a floating palette, see col. 6 lines 50-58).

***As to claim 51, Strauss teaches:***

A graphical user interface (e.g., drag toolbar enable application, see Fig. 1A), comprising:

a tracking symbol positioned corresponding to an input transducer movable by a user (e.g., the cursor 4 as shown in Fig. 7; note that an input transducer can be a pointing device such as a mouse, light pen, or stylus on a touch-sensitive display screen, see col. 1, lines 18-20);

a mobile tracking region having a region boundary enclosing the tracking symbol ("follow me" zone 42 as shown in Fig. 7) with the tracking symbol being movable within the boundary (i.e., when the cursor 4 is within the bounds of the "follow me" zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67) with the region moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display), and the region having controls activatable when the tracking symbol corresponds to the controls and the controls for selecting commands (e.g., note that a user can change the functionality of the cursor when select a menu button on a floating palette, see col. 6 lines 50-58).

***As to claim 52, Strauss teaches:***

A graphical user interface (e.g., drag toolbar enable application, see Fig. 1A),  
comprising:

a tracking symbol positioned corresponding to an input transducer movable by a user  
(e.g., the cursor 4 as shown in Fig. 7; note that an input transducer can be a pointing device  
such as a mouse, light pen, or stylus on a touch-sensitive display screen, see col. 1, lines 18-  
20);

a menu having a edge (i.e., see Fig. 7) enclosing the tracking symbol with the tracking  
symbol being movable within the edge with the menu moving in correspondence to the tracking  
symbol when the tracking symbol encounters the edge while moving (i.e., when the cursor 4  
moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the  
user's display, see col. 6, lines 59-67; note that the "follow me" zone boundary 42 is interpreted  
as the edge of the menu), and the region having controls activatable when the tracking symbol  
corresponds to the controls (e.g., note that a user can change the functionality of the cursor  
when select a menu button on a floating palette, see col. 6 lines 50-58).

**As to claim 33**, Strauss further teaches comprising allowing a user to select an item in  
the tracking menu without moving the tracking menu (e.g., the user can select control button in  
the drag toolbar 40 without moving the toolbar 40 if the cursor 4 is within the bounds of the  
"follow me" zone 42, see col. 6, lines 59-67).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set  
forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior  
art are such that the subject matter as a whole would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**12. Claims 1-4, 6-7, 10-11, 14-15, 20-23, 25-27, 44-49 are rejected under 35 U.S.C.**

**103(a) as being unpatentable over Strauss.**

***As to claim 1***, Strauss discloses:

A graphical user interface (drag toolbar enable application, see Fig. 1A), comprising:

a tracking symbol (the cursor 4 as shown in Fig. 7) positioned corresponding to an input transducer (i.e., a pointing device such as a mouse, light pen, or stylus on a touch-sensitive display screen, see col. 1, lines 18-20) movable by a user (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B); and

a menu having a menu boundary (e.g., the drag toolbar 40) and comprising a mobile tracking region ("follow me" zone 42 as shown in Fig. 7) having a region boundary (i.e., the bounds of a region around the drag toolbar 40) enclosing the tracking symbol (the cursor 4) with the tracking symbol being movable within the boundary (i.e., when the cursor 4 is within the bounds of the "follow me" zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67) with the region moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display), and the region having controls (control buttons 8, 9 as shown in Fig. 1B) activatable when the tracking symbol corresponds to the controls (e.g., the cursor is over the control, the control is activated, see col. 2, lines 27-30).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation because Strauss suggests to the skilled



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artisan that a circular drag toolbar can be implemented using the disclose invention (e.g., see Fig. 3A; note that the zone boundary has the same shape as the circular menu) and that various modifications may be made without departing from the spirit and scope of the invention (e.g., see col. 8 lines 63-67). The motivation is to provide a user with a visual cue or feature as to what the tracking boundary is so that the user may use the tracking menu more efficiently.

**As to claim 25, 46 and 48, Strauss discloses:**

An apparatus (a computer system, see col. 2, lines 18-25), comprising:

a position transducer (i.e., a pointing device such as a mouse, light pen, or stylus on a touch-sensitive display screen, see col. 1, lines 18-20);

a display (e.g., a display screen, see col. 1, lines 19-21);

an interface (drag toolbar enable application, see Fig. 1A);

a computer readable storage controlling a computer coupled to the display and the transducer (see col. 8, lines 34-45), and producing for display a first tracking symbol (the cursor 4 as shown in Fig. 7) having a first tracking symbol position controllable by the user (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B); and

a second tracking symbol ("follow me" zone 42 as shown in Fig. 7) containing the first tracking symbol (i.e., the drag toolbar is displayed in reasonably close proximity to the cursor 4), having a second tracking symbol position controlled by the first tracking symbol (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67) and having objects selectable by the first tracking symbol (control buttons 8, 9 are selectable by the cursor 4 as shown in Fig. 1B) the second tracking symbol having a menu containing the selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7).

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Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

***As to claim 28***, Strauss discloses:

An interface (drag toolbar enable application, see Fig. 1A), comprising:

a display (e.g., a display screen, see col. 1, lines 19-21);

a tracking menu (i.e., a drag toolbar 40 as shown in Fig. 7) positioned above the display (i.e., the drag toolbar 40 is displayed across the user's display, see col. 6, lines 59-67), having an edge ("follow me" zone 42) and having controls positioned in the menu (control 8, 9 are positioned in the drag toolbar 7, see Fig. 1B) with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7);

a tracking symbol (the cursor 4) positioned above the menu (see the position of the cursor 4 in Fig. 7), encountering the edge when moved and moving the menu when the edge of the boundary is encountered (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

***As to claim 47***, Strauss discloses:

A computer readable storage controlling a computer (see col. 8, lines 34-45) by executing a method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising:

allowing a user to move a tracking symbol (the cursor 4) on a display (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B); and

moving a tracking menu in correspondence to the symbol when the symbol encounters an edge of the menu (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67; note that the zone boundary 42 is interpreted as the edge of the menu as shown in Fig. 7) the menu containing selectable objects (e.g., menu item 40 in Fig. 7) with the menu having a menu boundary (e.g., the visual boundary around the item 40; note that menu boundary and menu edge are interpreted as two different items) and comprising a mobile tracking region (e.g., note that the mobile tracking region is interpreted as the edge of the tracking menu, see Fig. 7).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

***As to claim 44***, Strauss discloses:

A method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising moving a first tracking symbol ("follow me" zone 42 as shown in Fig. 7) responsive to movement of a second tracking symbol (the cursor 4; note that when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67) the first tracking symbol having a menu containing selectable objects with the menu having a menu boundary and comprising a mobile tracking

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region (e.g., see Fig. 7) and moving the second tracking symbol (cursor 4) responsive to an input transducer (i.e., the user use a pointing device such as a mouse or stylus to select an object under a cursor, see col. 1, lines 18-25).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

***As to claim 45, Strauss discloses:***

A method (i.e., a method for refining the function performed by a drag operation, see col. 2, lines 18-20), comprising using a single cursor movement to both move (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67) and activate a mobile control (i.e., when the cursor 4 is within the bounds of the "follow me" zone 42, the drag toolbar 40 does not move, the user can activate a control buttons using cursor 4) the mobile control a menu containing the selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

***As to claim 49, Strauss discloses:***

A graphical user interface (drag toolbar enable application, see Fig. 1A), comprising:

a display area ("follow me" zone 42 as shown in Fig. 7) that tracks a cursor tool when the cursor tool reaches a boundary of the area and that has a display function (zone 42 defines the bounds of a region around the drag toolbar 40 to determine whether the cursor is within the zone or not, see col. 6, lines 59-67); and

the cursor tool movable within the area (i.e., when the cursor 4 is within the bounds of the "follow me" zone 42, the drag toolbar 40 does not move) and that drags the area around when the boundary is reached (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display) and being activated by an input event (i.e., moving the cursor) the area having a menu containing selectable objects with the menu having a menu boundary and comprising a mobile tracking region (e.g., see Fig. 7).

Strauss does not expressly teach that the region boundary is coincident with the menu boundary. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

**As to claim 2**, Strauss teaches wherein the region ("follow me" zone 42 as shown in Fig. 7) comprises a menu having visible menu edge (i.e., see Fig. 7).

**As to claim 3**, Strauss teaches wherein the region comprises one of a linear menu, a menu with an embedded marking menu, a tool palette, a color palette, a pan-zoom tool, a pen-mouse, a keyboard, a numeric pad, one or more buttons, sliders, checkboxes, pull-down menu, a dialog box, and an alternative view (it is noted that Fig. 1B shows a drag toolbar in a linear menu format or tool palette that has one or more buttons, Fig. 3A displayed an embedded marking menu, Fig. 3B shows a checkboxes).

**As to claim 4**, Strauss teaches wherein the controls of the interface (control buttons 8, 9 as shown in Fig. 1B) further comprise a control changed in appearance when the tracking symbol is over the control and is active (i.e., the MOVE control button 9 is drawn so as to appear that it has been pressed, similar to known radio button depiction, see col. 3, lines 62-65 or Fig. 1B).

**As to claim 6**, Strauss teaches wherein the tracking symbol (the cursor 4 as shown in Fig. 7) can be activated by the user (i.e., the user moves the pointing device, see col. 1, lines 18-20) and performs a selected function when active (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B).

**As to claim 7**, Strauss teaches wherein a selected function is performed when the tracking symbol is active (i.e., the user would select a graphic image by clicking with a mouse button, see col. 3, lines 41-45).

**As to claim 10**, Strauss further teaches wherein the transducer (i.e., a point device, see col. 1, lines 18-20) corresponds to a mouse (i.e., a pointing device such as a mouse, light pen, or stylus on a touch-sensitive display screen) having a mouse button (see col. 3, lines 38-41), the tracking symbol (the cursor 40 as shown in Fig. 7) and region ("follow me" zone 42) are displayed on a tablet display (note that this invention also applies for touch-sensitive display screen device, see col. 1, lines 18-20), and the tracking symbol is activated when the mouse is one of moved and activated (i.e., the user moves the pointing device).

**As to claim 11**, Strauss further teaches wherein the positioning corresponding to the motion of the input transducer (i.e., the drag toolbar 40 follows the cursor 4 across the user's display, see col. 6, lines 59-67) stops under a predetermined condition (i.e., the cursor 4 is

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moving inside or within the bounds of the "follow me" zone 42) and the region is repositioned corresponding to the tracking symbol when the condition no longer exists (if the cursor 4 attempts to move past the zone 42).

**As to claim 14**, Strauss further teaches wherein the boundary is maintained around the symbol (e.g., when the cursor is within the bounds of the "follow me" zone 42, see col. 6, lines 59-67).

**As to claim 15**, Strauss further teaches wherein the symbol is allowed to cross the boundary while moving (i.e., when the cursor 4 attempts to move past the zone boundary 42, see col. 6, lines 59-67) and the boundary surrounds the symbol when the symbol is not moving (e.g., when the cursor is within the bounds of the "follow me" zone 42).

**As to claim 20**, Strauss further teaches comprising an interior tracking boundary (i.e., a "follow me" zone 42, see col. 6, lines 59-67) interior to the region boundary (note that zone 42 is defined as the bounds of a region around the drag toolbar 40) and the region moving in correspondence to the tracking symbol when the tracking symbol encounters the interior tracking boundary (i.e., when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display).

**As to claim 21**, Strauss further teaches wherein the interior tracking boundary comprises a jutting wall (i.e., zone boundary 42 as seen in Fig. 7).

**As to claim 22**, Strauss further teaches wherein the interface has a visible edge (i.e., a frame surrounding control button 8, 9 as shown in Fig. 1B) and the boundary corresponds (e.g., zone boundary 42 as shown in Fig. 7) to one of the visible edge, outside the visible edge, inside

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the visible edge and overlaps the visible edge (note that the zone boundary 42 is surrounding the drag toolbar 40 which has a visible edge).

**As to claim 23**, Strauss further teaches wherein control activation requires a dwell (e.g., selected and hold, see col. 3, lines 40-45) by the tracking symbol (i.e., placing the cursor 4 over an object and depressing a mouse button).

**As to claim 26**, Strauss further teaches wherein the first and second tracking symbol positions correspond (e.g., a drag toolbar 40 is displayed in reasonably close proximity to the cursor 4, see col. 6, lines 59-63).

**As to claim 27**, Strauss further teaches wherein the objects (i.e., drag toolbar 40 as shown in Fig. 7) comprise controls (i.e., control buttons 8, 9 as seen in Fig. 1B).

**13. Claims 8-9, 13, 24, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Iwema et al (Patent No US 7,058,902 B2; hereinafter simply referred to as Iwema).**

**As to claim 8**, Strauss teaches the limitation of claim 7 for the same reasons as discussed with respect to claim 7 above. Strauss further teaches wherein the transducer (i.e., the pointing device, see col. 1, lines 18-20) corresponds to a stylus (note that stylus is defined as part of the transducer), the tracking symbol (the cursor 40 as shown in Fig. 7) and region ("follow me" zone 42 as shown in Fig. 7) are displayed on a tablet display (i.e., touch-sensitive display screen, see col. 1, lines 19-20). However, Strauss does not explicitly disclose that the tracking symbol is activated when the stylus touches the tablet.



Iwema, though, teaches the tracking symbol is activated when the stylus touches the tablet (i.e., the stylus 204 is pressured upon the display screen to effect input, see col. 7, lines 11-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of activating the tracking symbol when the stylus touches the tablet as taught by Iwema to the tracking menu as taught by Strauss to manipulate data, enter text, create drawings, enter system commands and/or execute conventional computer application tasks (see Iwema col. 7, lines 5-10).

**As to claim 9**, Strauss teaches the limitations of claim 6 for the same reasons as discussed with respect to claim 6 above. However, Strauss does not explicitly disclose that the tracking symbol is inactive when the stylus is not touching the tablet. Iwema, though, teaches wherein the tracking symbol is inactive when the stylus is not touching the tablet (i.e., the stylus 204 is pressured upon the display screen to effect input, see col. 7, lines 11-15; this statement can be understood by one of ordinary skill in the art as the tracking symbol is inactive when the stylus is not pressured upon the display screen). Thus combining Strauss and Iwema would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**As to claim 13**, Strauss teaches the limitations of claim 11 for the same reasons as discussed with respect to claim 11 above. However, Strauss does not explicitly disclose a stylus out-of-range condition being the predetermined condition. Iwema, though, teaches wherein the predetermined condition is a stylus out-of-range condition (i.e., stylus 204 can be cause the menu to reposition or display by hovering over on the tablet display without touching the screen, see col. 7, lines 11-15). Thus combining Strauss and Iwema would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**As to claim 24**, Strauss teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. However, Strauss does not explicitly teach that the control functionality of the interface is context sensitive. Iwema, though, teaches wherein control functionality is context sensitive (i.e., context menu 306 presents the user with all or a subset of all the possible actions applicable to the object, see col. 8, lines 12-15). Thus combining Strauss and Iwema would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**As to claim 34**, Strauss teaches the limitations of claim 32 for the same reasons as discussed with respect to claim 32 above. Strauss further discloses that the moving of the tracking menu (i.e., floating palette, see col. 2, lines 45-49) occurs when the stylus is in tracking range of the tablet (see col. 1, lines 18-25). However, Strauss fails to teach that movement of the tracking symbol is responsive to movement by the user of a stylus over a stylus sensing tablet. Iwema, though, teaches movement of the tracking symbol is responsive to movement by the user of a stylus over a stylus sensing tablet (see col. 7, lines 13-20). Thus combining Strauss and Iwema would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**As to claim 35**, Strauss and Iwema teach the limitations of claim 34 for the same reasons as discussed with respect to claim 34 above. Strauss further discloses comprising making the tracking menu transparent when the stylus touches the tablet (i.e., the drag toolbar 7 is transparent when button 8 is selected, instead icon 6 will be used to depict the currently selected option, see Fig. 1D; note that stylus is also used to select a control as disclosed in col. 1, lines 18-20).

**As to claim 36**, Strauss and Iwema teach the limitations of claim 35 for the same reasons as discussed with respect to claim 35 above. Strauss further discloses performing a graphic function corresponding to motion of the stylus when the menu is transparent (e.g., performing a copying function when the drag toolbar is transparent, see Fig. 1D).

**As to claim 37**, Strauss and Iwema teach the limitations of claim 36 for the same reasons as discussed with respect to claim 36 above. Iwema further teaches wherein the function is makes a mark on the display (see Fig. 3). Thus combining Strauss and Iwema would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**As to claim 38**, Strauss teaches the limitations of claim 32 for the same reasons as discussed with respect to claim 32 above. Strauss further teaches movement of the tracking symbol (a cursor, see col. 1, lines 18-25) is responsive to movement by the user of a stylus over a stylus sensing tablet (i.e., stylus on a touch-sensitive display screen). However, Strauss fails to teach further comprising positioning the tracking menu in correspondence when the stylus comes into tracking range. Iwema, though, teaches further comprising positioning the tracking menu in correspondence when the stylus comes into tracking range (see Fig. 7A-7B). Thus combining Strauss and Iwema would meet the claimed limitation for the same reasons as discussed with respect to claim 8 above.

**14. Claims 16 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Hoeber et al (Patent No 5,276,795; hereinafter simply referred to as Hoeber).**

**As to claims 16 and 40**, Strauss teaches the limitations of claims 1 and 32 for the same reasons as discussed with respect to claims 1 and 32 above. However, Strauss does not

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explicitly teach that the user designates that the region or menu be held in place when the symbol crosses the boundary.

Hoeber, though, discloses wherein the user designates that the region or menu be held in place when the symbol crosses the boundary (e.g., the user using the pushpin button 150 to keep the region or menu on the display, see Fig. 4a).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of pushpin button as taught by Hoeber to the tracking menu as taught by Strauss to avoid the inefficient and time consuming requirement of reselecting a particular menu button within a menu while allowing the users to execute other operations (see Hoeber col. 7, lines 39-45).

**15. Claims 5, 12, 19, 29-30, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Nicholas, III (Patent No US 6,865,719 B1; hereinafter simply referred to as Nicholas).**

***As to claim 5***, Strauss teaches the limitations of claim 1 for the same reasons as discussed with respect to claim 1 above. Strauss further teaches that the region is transparent when the tracking symbol is active (i.e., the drag toolbar 7 is transparent when button 8 is selected, instead icon 6 will be used to depict the currently selected option, see Fig. 1D). Strauss also discloses that the drag toolbar can be grayed out due to certain condition (see col. 8, lines 1-10). However, Strauss does not explicitly teach that the region is semi-transparent when the tracking symbol is inactive. Nicholas, though, teaches that the region is semi-transparent when the tracking symbol is inactive and transparent when the tracking symbol is over a text link (e.g., see item 208b and item 208c in Fig. 2A).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of changing the visual feature of the region as taught by Nicholas to the tracking menu as taught by Strauss to provide a visual indication to a user the state of the tracking symbol or cursor.

**As to claim 12**, Strauss teaches the limitations of claim 11 for the same reasons as discussed with respect to claim 11 above. However, Strauss fails to explicitly teach that the repositioning positions the menu a least Euclidean distance from the prior position.

Nicholas, though, teaches wherein the repositioning positions the menu a least Euclidean distance from the prior position (as shown in Fig. 4A, the movement distance of the trailing messages from right to left as applied to 408a and 408b is minimized so that the cursors 402a, 402b are still within the boundaries of the trailing messages 408a and 408b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of trailing message as taught by Nicholas to the tracking menu as taught by Strauss to improve the message display and thus enable a user to conveniently receive and access data and related applications, and collaborate with other users, without interfering with the operation of running applications or services (see Nicholas col. 2, lines 25-35).

**As to claims 19 and 43**, Strauss teaches the limitations of claims 1 and 32 for the same reasons as discussed with respect to claims 1 and 32 above. However, Strauss does not explicitly teach that the mobile tracking region deforms corresponding to a shape of a persistent object when the symbol comes in a vicinity of a persistent object or display edge. Nicholas, though, teaches wherein the mobile tracking region deforms corresponding to a shape of a persistent object when the symbol comes in a vicinity of a persistent object or display edge (see

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col. 8, lines 30-36 or Fig. 4A items 408d and 408e). Thus combining Strauss and Nicholas would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above.

**As to claim 29**, Strauss teaches the limitations of claim 28 for the same reasons as discussed with respect to claim 28 above. However, Strauss does not explicitly teach that a graphic object positioned between the menu and the display. Nicholas, though, teaches a graphic object positioned between the menu and the display (i.e., the task bar is positioned between the trailing message 408e and the browser display screen, see Fig. 4A). Thus combining Strauss and Nicholas would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above.

**As to claim 30**, Strauss teaches the limitations of claim 28 for the same reasons as discussed with respect to claim 28 above. However, Strauss does not explicitly teach that a persistent graphic object positioned between tracking symbol and the menu (i.e., the hyperlink "click here for info" is positioned between the cursor 202i and the item 234, see Fig. 2C). Thus combining Strauss and Nicholas would meet the claimed limitation for the same reasons as discussed with respect to claim 12 above.

**16. Claims 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Microsoft Excel 2000 (screen captures from Microsoft Excel 2000, hereinafter simply refer to as Excel).**

**As to claim 39**, Strauss teaches the limitations of claim 32 for the same reasons as discussed with respect to claim 32 above. Strauss further teaches movement of the tracking symbol (a cursor, see col. 1, lines 18-25) is responsive to movement by the user of a stylus over

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a stylus sensing tablet (i.e., stylus on a touch-sensitive display screen). However, Strauss fails to teach further comprising positioning the tracking menu in correspondence when the stylus ends contact with the tablet. Excel, though, teaches further comprising positioning the context menu (page 2 of the screen captures) in correspondence when the stylus ends contact with the tablet (note the linear menu is positioned to where the cursor left off the display, see page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of continuing displaying the context menu where the cursor leaving the display as taught by Excel to the tracking menu used with a stylus in a PC tablet as taught by Strauss to provide the users the position where the cursor last access the display (see Excel page 2).

**17. Claims 17-18 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Hoeber and further in view of Nicholas.**

*As to claims 17 and 41*, Strauss and Hoeber teach the limitations of claims 16 and 32 for the same reasons as discussed with respect to claims 16 and 32 above. However, Strauss and Hoeber do not explicitly teach that the interface or menu comprises an outline of the mobile tracking region when the tracking symbol is over a persistent object. Nicholas, though, teaches wherein the interface or menu comprises an outline of the mobile tracking region when the tracking symbol is over a persistent object (see Fig. 2A item 208c). Thus combining Strauss, Hoeber, and Nicholas would meet the claimed limitations for the same reasons as discussed with respect to claim 12 above.

*As to claim 18*, Strauss, Hoeber, and Nicholas teach the limitations of claim 17 for the same reasons as discussed with respect to claim 17 above. Nicholas further discloses wherein

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the interface is clipped when the tracking symbol exits the persistent object (see item 234 in Fig. 2C). Thus combining Strauss, Hoeber, and Nicholas would meet the claimed limitations for the same reasons as discussed with respect to claim 12 above.

**As to claim 42**, Strauss, Hoeber, and Nicholas teach the limitations of claim 41 for the same reasons as discussed with respect to claim 41 above. Nicholas further discloses converting the menu to a complete graphical menu when the symbol exist the persistent object (see item 208g in Fig. 2C); and clipping a portion of the complete graphical menu overlapping the persistent object (see item 234). Thus combining Strauss, Hoeber, and Nicholas would meet the claimed limitations for the same reasons as discussed with respect to claim 12 above.

**18. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Iwema and further in view of Nicholas.**

**As to claim 31**, Strauss teaches:

A graphical user interface (drag toolbar enable application, see Fig. 1A), comprising:

a tracking symbol (the cursor 4 as shown in Fig. 7) positioned corresponding to a stylus input transducer movable by a user (i.e., a pointing device such as a stylus on a touch-sensitive display screen, see col. 1, lines 18-20); and

a mobile tracking menu region ("follow me" zone 42 as shown in Fig. 7) having a region boundary (i.e., the bounds of a region around the drag toolbar 40) enclosing the tracking symbol (the cursor 4) with the tracking symbol being movable within the boundary (i.e., when the cursor 4 is within the bounds of the "follow me" zone 42, the drag toolbar 40 does not move, see col. 6, lines 59-67) with the region moving in correspondence to the tracking symbol when the tracking symbol encounters the boundary while moving (i.e., when the cursor 4 moves past the "follow



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me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display), the menu region having visible menu edge (i.e., a frame surrounding control button 8, 9 as shown in Fig. 1B), the menu region having button controls (control buttons 8, 9 as shown in Fig. 1B) activatable (e.g., the user can move the cursor to select a graphic image as shown in Fig. 1B) when the tracking symbol corresponds to the controls (see item 6 in Fig. 1D) with a control changed in appearance when the tracking symbol is over the control (i.e., a tool tip appears if the cursor is over a control, see col. 2, lines 33-40) and is active (i.e., control 8 has a thicker frame indicating that the control is active, see Fig. 1D);

wherein the tracking symbol (the cursor 4) and region ("follow me" zone 42) are displayed on a tablet display (note that the tracking menu can be displayed in a touch-sensitive display screen, see col. 1, lines 18-21); and

the menu region being transparent when the tracking symbol is active (i.e., the drag toolbar 7 is transparent when button 8 is selected, instead icon 6 will be used to depict the currently selected option, see Fig. 1D), where the tracking symbol can be activated by the user selecting one of the controls (e.g., the user moves the cursor over the control, see col. 2, lines 27-30) and performs a selected function when active (icon 6 now can performed selected copying function, see Fig. 1D).

Strauss does not expressly teach that the region boundary is coincident with the menu edge. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented this limitation for the same reasons as discussed with claim 1 above.

However, Strauss does not expressly teach that the tracking symbol is activated when the stylus touches the tablet; and that the positioning corresponding to the motion of the input transducer stops when the stylus is out of range of the tablet.

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Iwema, though, teaches:

the tracking symbol is activated when the stylus touches the tablet (i.e., the stylus 204 is pressured upon the display screen to effect input, see col. 7, lines 11-15); and

the positioning corresponding to the motion of the input transducer stops when the stylus is out of range of the tablet (i.e., stylus 204 can be cause the menu to reposition or display by hovering over on the tablet display without touching the screen, see col. 7, lines 11-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of tracking when the stylus is inactive as taught by Iwema to the tracking menu as taught by Strauss to manipulate data, enter text, create drawings, enter system commands and/or execute conventional computer application tasks (see Iwema col. 7, lines 5-10).

However, Strauss does not teach that the region is semi-transparent when the tracking symbol is inactive. Furthermore, Strauss and Iwema do not expressly teach that the menu region is repositioned a least Euclidean distance from the prior position corresponding to the tracking symbol when the condition no longer exists; the interface comprises an outline of the mobile tracking region when the tracking symbol is over a persistent object and the interface is clipped as the tracking symbol exits the persistent object, and wherein the mobile tracking region deforms corresponding to a shape of a persistent object when the symbol comes in a vicinity of a persistent object or display edge.

Nicholas, though, teaches:

the region is semi-transparent when the tracking symbol is inactive and transparent when the tracking symbol is over a text link (e.g., see item 208b and item 208c in Fig. 2A).

the menu region is repositioned a least Euclidean distance from the prior position corresponding to the tracking symbol (as shown in Fig. 4A, the movement distance of the

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trailing messages from right to left as applied to 408a and 408b is minimized so that the cursors 402a, 402b are still within the boundaries of the trailing messages 408a and 408b) when the condition no longer exists (the cursor coming near or off the edge of the display screen),

wherein the interface comprises an outline of the mobile tracking region when the tracking symbol is over a persistent object (see Fig. 2A item 208c) and the interface is clipped as the tracking symbol exits the persistent object (see item 234 in Fig. 2C), and

wherein the mobile tracking region deforms corresponding to a shape of a persistent object when the symbol comes in a vicinity of a persistent object or display edge (see col. 8, lines 30-36 or Fig. 4A items 408d and 408e).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the function of trailing message as taught by Nicholas to the tracking menu as taught by Strauss and as modified by Iwema to improve the message display and thus enable a user to conveniently receive and access data and related applications, and collaborate with other users, without interfering with the operation of running applications or services (see Nicholas col. 2, lines 25-35).

### ***Response to Arguments***

19. Applicant's arguments filed 2/5/07 have been fully considered but they are not persuasive. In view of amendment, the rejection under 103 has been applied to claims 1-4, 6-7, 10-11, 14-15, 20-23, 25-27, 44-49.

Applicant's argument that the prior art of Strauss does not teach that the region boundary is coincident with the menu boundary (e.g., see remarks page 12 Para 5). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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have implemented this limitation because Strauss suggests to the skilled artisan that a circular drag toolbar can be implemented using the disclose invention (e.g., see Fig. 3A; note that the zone boundary has the same shape as the circular menu) and that various modifications may be made without departing from the spirit and scope of the invention (e.g., see col. 8 lines 63-67). The motivation is to provide a user with a visual cue or feature as to what the tracking boundary is so that the user may use the tracking menu more efficiently.

In response to remark that the edge of the menu causes the movement (e.g., see Remark page 12 Para 5 and Para 10), the Examiner would like to point out that the zone boundary 42 as shown in Strauss Fig. 7 is interpreted as the edge of the menu and that when the cursor 4 moves past the "follow me" zone boundary 42, the drag toolbar 40 follows the cursor across the user's display, see col. 6, lines 59-67. In addition, claims 32 and 52 does not include any limitation clearly describing where and what the edge of the menu can be; and for this reason, the Examiner interpreted zone boundary as the edge of the menu.

Applicant's argument that Strauss's menu contains choices to modify an already invoked command not choices to select a command (see Remark page 12 Para 10). It is noted that the features upon which applicant relies (i.e., the menu does not contain choices to modify an already invoked command) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Strauss teaches that the region having controls activatable when the tracking symbol corresponds to the controls and the controls for selecting commands (e.g., note that a user can

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change the functionality of the cursor when select a menu button on a floating palette, see col. 6 lines 50-58).

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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T.T  
4/13/2007

Lien Tran  
Examiner  
Art Unit 2179

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